IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 26630 of 2006(T)

PETITIONER:

K.D. NARAYANAN, AGED 36,
S/O. DAMODARA MARAR, KANNATT MARATH,
PAZHOOR P.O., PIRAVOM, ERNAKULAM DISTRICT
(WORKED AS PANCHAVADYAM, AARAYOOR DEVASWOM,
NEYYATTINKARA GROUP OF TRAVANCORE DEVASWOM).

BY ADV. SRI.BABU CHERUKARA

RESPONDENT:

DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, DEVASWOM
COMMISSIONER OFFICE, THIRUVANANTHAPURAM.

BY ADV. SRI.C.VIJAYAN, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

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W.P(C) NO. 26630 of 2006

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Dated this the 23rd day of March, 2007.

J U D G M E N T

While the petitioner was working in Arayoor Devaswom in Neyyattinkara Group, he was served with Ext.P1 order of suspension. The charge against him as revealed from Ext.P1 was that he had abstained from duty without permission and without applying for leave from 7th to 16th February, 2000. The above order of suspension was passed on March 13, 2000. According to the petitioner no further disciplinary action was taken against him pursuant to Ext.P1. Thereafter on September 2004 the petitioner had submitted Ext.P3 representation requesting that he may be allowed to retire from service voluntarily. He further requested that admissible pension may be sanctioned to him. Since no action was taken pursuant to Ext.P3, petitioner had caused to issue Ext.P6 registered lawyer notice to the Devaswom in January, 2006. Yet again, there was no response from the Devaswom. It was in the above circumstances that the petitioner had preferred this writ petition praying for appropriate reliefs.

2. A counter affidavit was initially filed by the Devaswom in November 2006 refuting the allegations made by the petitioner. However, on February 9, 2007 a statement has been filed by the standing counsel of the Devaswom in which it has been stated that the Travancore Devaswom Board as per its

decision in R.O.C.No.305/07/Mis.3 dated January 25, 2007 has authorised the Devaswom Commissioner to grant the request made by the petitioner. Accordingly, the commissioner had passed an order on January 31, 2007 granting permission to the petitioner to retire from service with effect from August 18, 2000. Pension was also ordered to be sanctioned from that date onwards. A copy of the order passed by the Commissioner has been produced and marked as Ext.R(a). In view of the above I am satisfied that this writ petition can be disposed of with the following direction:-

Therefore, this writ petition is disposed of with a direction to the respondent to disburse the pensionery benefits to the petitioner pursuant to Ext.R(a) as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. The petitioner shall produce a copy of the writ petition along with a certified copy of this judgment before the respondent for compliance.

A.K. BASHEER
JUDGE.

mt/-